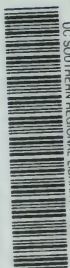


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PROCEEDINGS

OF THE

CONVENTION CALLED FOR THE PURPOSE
OF ORGANIZING

The New York State Bar Association.

CONSTITUTION AND BY-LAWS.

BA
N431P
1876



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NEW YORK STATE BAR ASSOCIATION
PROCEEDINGS OF THE CONVENTION

CALLED FOR THE

PURPOSE OF ORGANIZING

The New York State Bar Association,

Held at the Capitol, in the City of Albany,

NOVEMBER 21, 1876.

ALSO,

CONSTITUTION AND BY-LAWS.

ALBANY:
WEED, PARSONS AND COMPANY.
1876.

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PROCEEDINGS

OF THE

CONVENTION CALLED FOR THE PURPOSE OF
ORGANIZING

The New York State Bar Association.

The delegates to the Convention for the formation of a State Bar Association having met at the Assembly Chamber, in the Capitol at Albany, November 21, 1876, at half-past 3 o'clock in the afternoon, Mr. Elliott F. Shepard, of New York, called the Convention to order and nominated, as temporary chairman, Hon. W. C. Ruger, of Syracuse, who was unanimously elected.

Mr. Ruger took the chair and briefly addressed the Convention.

George M. Diven, Esq., moved that Edward Mitchell, of the First Judicial District, Marcus T. Hun, of the Third Judicial District, and William Rumsey, of the Seventh Judicial District, be appointed Secretaries of the Convention, which was carried.

The roll of delegates and alternates was called, and the following gentlemen answered to their names:

FIRST JUDICIAL DISTRICT.

Delegates.

Elliott F. Shepard,	Albert Mathews,
Clifford A. Hand,	Hamilton Odell,
Cadwalader E. Ogden,	John K. Porter,
William Allen Butler,	William G. Choate,
Charles A. Peabody.	

Alternates.

George VanNess Baldwin,	Douglas Campbell,
Edward Mitchell,	James M. Varnum.
All of New York.	

SECOND JUDICIAL DISTRICT.

KINGS COUNTY.

Delegate.

D. P. Barnard.

Alternate.

A. G. Hull.

Of Brooklyn.

ROCKLAND COUNTY.

Alternate.

A. E. Suffern, Haverstraw.

SUFFOLK COUNTY.

Delegate.

J. Lawrence Smith, Riverhead.

QUEENS COUNTY.

Delegates.

J. J. Armstrong, Jamaica. L. B. Prince, Flushing.

RICHMOND COUNTY.

Alternate.

E. B. Merrill.

THIRD JUDICIAL DISTRICT.

ALBANY COUNTY.

Delegates.

Samuel Hand, Marcus T. Hun,
Isaac Edwards.

Alternates.

W. S. Hevenor, A. V. De Witt.
All of Albany.

COLUMBIA COUNTY.

Delegates.

C. P. Collier, Hudson, C. L. Beale, Hudson.

Alternates.

C. Esselstyn, Hudson. F. Silvester, Kinderhook.

ULSTER COUNTY.

Delegates.

S. L. Stebbins, Rondout. F. L. Westbrook, Kingston.

GREENE COUNTY.

*Delegate.**Alternate.*

R. H. King, Catskill. J. I. Werner, Catskill.

SCHOHARIE COUNTY.

*Delegate.**Alternate.*

P. S. Danforth, Mid'leb'gh. W. H. Engle, Middleburgh

RENSSELAER COUNTY.

Delegates.

R. A. Parmenter, James Lansing.

Alternates.

John H. Peck, Irving Brown,
Esek Cowen.
All of Troy.

FOURTH JUDICIAL DISTRICT.

SARATOGA COUNTY.

Delegates.

J. R. Putnam, Saratoga. J. S. L'Amoureux, Ballston.

Alternates.

A. S. Burdick, Saratoga. I. C. Ormsby, Waterford.

WASHINGTON COUNTY.

Delegates.

J. Gibson, Salem. D. A. Boies, Greenwich.

Alternates.

R. C. Betts, Granville. C. Hughes, Sandy Hill.

SCHENECTADY COUNTY.

Delegates.

Platt Potter, S. W. Jackson.

All of Schenectady.

MONTGOMERY COUNTY.

Delegates.

S. P. Heath, Amsterdam. F. Fish, Fultonville.

Alternate.

John D. Wendell, Fort Plain.

FULTON COUNTY.

Delegates.

J. M. Dudley, Johnstown. H. E. Smith, Johnstown.

WARREN COUNTY.

Delegate.

Stephen Brown, Glens Falls.

FRANKLIN COUNTY.

Delegate.

John I. Gilbert, Malone.

FIFTH JUDICIAL DISTRICT.

HERKIMER COUNTY.

*Delegate.**Alternate.*

T. Richardson, Ilion.

C. F. Palmer, Little Falls.

LEWIS COUNTY.

Delegate.

E. S. Merrill, Lowville.

OSWEGO COUNTY.

*Delegate.**Alternate.*

C. Rhodes, Oswego.

R. H. Tyler, Fulton.

ONONDAGA COUNTY.

Delegates.

W. C. Ruger,

Frank Hiscock,

G. M. Kennedy,

Israel S. Spencer,

I. G. Vann.

Alternate.

D. B. Keeler.

All of Syracuse.

SIXTH JUDICIAL DISTRICT.

CORTLAND COUNTY.

Delegate.

Horatio Ballard, Cortland.

DELAWARE COUNTY.

*Delegate.**Alternate.*

W. Gleason, Delhi.

N. C. Marvin, Walton.

CHEMUNG COUNTY.

Delegate.

Geo. M. Divan, Elmira.

SCHUYLER COUNTY.

Delegate.

John J. Van Allen, Watkins.

MADISON COUNTY.

Alternate.

A. N. Sheldon, Hamilton.

OTSEGO COUNTY.

Alternate.

R. M. Townsend, Portlandville.

SEVENTH JUDICIAL DISTRICT.

YATES COUNTY.

Delegate.

Ralph T. Wood, Penn Yan.

SENECA COUNTY.

Delegate.

Chas. A. Hawley, Seneca Falls.

CAYUGA COUNTY.

Delegate.

Rollin Tracy, Auburn.

STEUBEN COUNTY.

*Delegate.**Alternate.*

G. H. McMasters, Bath. Wm. Rumsey, Bath.

MONROE COUNTY.

*Delegate.**Alternate.*

J. L. Angle, Rochester. M. W. Cooke, Rochester.

EIGHTH JUDICIAL DISTRICT.

CHAUTAUQUA COUNTY.

Delegate.

H. C. Kingsbury, Westfield.

ERIE COUNTY.

Delegate.

Thos. Corlett, Buffalo.

GENESEE COUNTY.

*Delegate.**Alternate.*

M. H. Peck, Batavia.

L. N. Bangs, Leroy.

ORLEANS COUNTY.

Alternate.

H. A. Childs, Medina.

Mr. William M. Ivins was substituted as delegate in place of Joseph Neilson, of Kings county, absent.

Mr. W. C. Lamont was substituted as delegate in place of Stephen L. Mayham, of Schoharie, absent.

Mr. W. H. Johnson in place of D. D. Niles, of Delaware, absent.

Mr. James W. Glover in place of Elizur W. Prindle, of Chenango, absent.

It was moved by Mr. Matthews that the alternates who have answered to their names be considered as delegates to the Convention. *Carried.*

Moved by J. J. Van Alen that a committee of two be appointed from each judicial district, to consider and report business for the Convention.

Moved by Mr. Armstrong, as an amendment, that it is expedient that a State Bar Association be now formed. *Amendment carried.*

Moved by C. A. Hand, as a substitute, that a committee of two from each judicial district be appointed to report a Constitution and By-laws. *Substitute adopted.*

Moved by Mr. Shepard that the present officers be

permanent officers of the Convention, and that there be appointed a Vice-President from each judicial district. *Carried.*

The following named gentlemen were nominated as Vice-Presidents:

1st Dist. Hon. John K. Porter.

2d Dist. Hon. D. P. Barnard.

3d Dist. Hon. P. S. Danforth.

4th Dist. Hon. Platt Potter.

5th Dist. Charles Rhodes, Esq.

6th Dist. Hon. Horatio Ballard.

7th Dist. M. W. Cooke, Esq.

8th Dist. Hon. Lorenzo Morris.

Moved by Mr. Shepard that such gentlemen be elected Vice-Presidents. *Carried.*

The Chair appointed the following Committee on Constitution and By-laws:

1st Dist. Elliott F. Shepard, Albert Matthews.

2d Dist. A. E. Suffern, J. J. Armstrong.

3d Dist. S. Hand, Irving Browne.

4th Dist. I. W. Jackson, John R. Putnam.

5th Dist. Frank Hiscock, E. S. Merrill.

6th Dist. George M. Diven, Horatio Ballard.

7th Dist. J. L. Angle, Charles A. Hawley.

8th Dist. H. C. Kingsbury, L. N. Bangs.

Moved that J. Lawrence Smith be substituted as delegate from Suffolk county in place of Mr. Petty, absent. *Carried.*

Mr. Hun presented petitions from certain lawyers in New York, regarding membership of the State Bar Association. *Referred to Committee on Constitution.*

Moved that a committee of two from each judicial district be selected by the delegates from their respective districts, to nominate permanent officers, and to act with the Committee on Constitution.

Moved, as amendment, that permanent officers be nominated by Committee on Constitution.

Moved to lay motion on the table. *Carried.*

Moved that the Convention adjourn till 7½ o'clock this evening. *Carried.*

7.30 P. M.

Convention called to order by Chairman.

Elliott F. Shepard, of the Committee on Constitution and By-laws, reported a Constitution, which was read by Judge Suffern.

Moved that report of committee be accepted. *Carried.*

A communication from Hon. Arphaxed Loomis was read.

Moved by Mr. Vann that the Constitution be read and acted upon article by article. *Carried.*

Article I adopted as reported.

Article II adopted as reported.

Moved that each amendment be passed upon and disposed of before another shall be taken up. *Carried.*

Article III, as amended, adopted.

Moved that debate on each amendment be limited to two minutes for each person, and no person be allowed to speak on any amendment twice. *Carried.*

Article IV, as amended, adopted.

Moved that a committee of two from each judicial

district be appointed by the Chair to make and report nominations for officers for the ensuing year.

The Chair appointed as such committee:

1st Dist. Wm. A. Butler, Charles A. Peabody.

2d Dist. J. Lawrence Smith, E. B. Merrill.

3d Dist. Casper P. Collyer, A. Schoonmaker.

4th Dist. Jos. Gilson, J. M. Dudley.

5th Dist. G. N. Kennedy, R. H. Tyler.

6th Dist. A. N. Sheldon, J. J. Van Alen.

7th Dist. M. W. Cooke, R. Tracy.

8th Dist. J. H. White, Thos. Corlett.

Moved that the committee have leave to retire and report this evening. *Carried.*

Moved to adjourn. *Lost.*

Article V adopted as reported.

Article VI adopted as amended.

Article VII adopted as amended.

Article VIII adopted as amended.

Article IX adopted as amended.

Article X adopted as amended.

Article XI adopted as amended.

Article XII adopted as amended.

Article XIII adopted as reported.

Article XIV adopted as reported.

Article XV adopted as reported.

Article XVI adopted as reported.

Article XVII stricken out.

By unanimous consent, the XVth Article was amended thus: The Treasurer of this Association shall give security in such sum, and in such form, for the safe-keeping and accounting for moneys of the Association coming to his hands, as shall be required by the Executive Committee.

Article XVIII (formerly XIX) adopted as amended.

Article XIX (formerly XX) adopted as amended.

Article XX (formerly XXI) adopted as reported.

Article XXI (formerly XXII) adopted as reported.

Article XXII (formerly XXIII) adopted as am'ded.

The Constitution adopted, except the last clause.

The Nominating Committee reported as follows:

President.

JOHN K. PORTER.

Vice-Presidents.

- | | |
|-----------------------|---------------------|
| 1. Chas. W. Sandford. | 5. Wm. C. Ruger. |
| 2. John J. Armstrong. | 6. Horatio Ballard. |
| 3. Samuel Hand. | 7. James L. Angle. |
| 4. Platt Potter. | 8. Myron H. Peck. |

Executive Committee.

- | | |
|---------------------|--------------------|
| 1. Albert Matthews. | 5. Albertus Perry. |
| Clifford A. Hand. | Geo. N. Kennedy. |
| Elliott F. Shepard. | Jno. D. Kernan. |
| 2. D. P. Barnard. | 6. Geo. M. Diven. |
| W. M. Ivins. | Jas. W. Glover. |
| A. E. Suffern. | Chas. L. Kennedy. |
| 3. Esek Cowen. | 7. M. W. Cooke. |
| Marcus T. Hun. | Wm. Rumsey. |
| Rufus H. King. | John H. Camp. |
| 4. H. E. Smith. | 8. D. H. Bolles. |
| Stephen Brown. | Jas. M. Willett. |
| John R. Putnam. | Henry A. Childs. |

Committee on Admissions.

- | | |
|------------------------|------------------------|
| 1. Henry H. Anderson. | 5. Ward Hunt, Jr. |
| James W. Varnum. | I. G. Vaun. |
| Geo. H. Yeaman. | R. H. Tyler. |
| Henry D. Sedgwick. | Levi H. Brown. |
| 2. L. Bradford Prince. | 6. Oliver P. Hurd. |
| Wm. H. Robertson. | O. W. Chapman. |
| John Thompson. | M. J. Shoecraft. |
| E. M. Cullen. | Lewis L. Bundy. |
| 3. Peter S. Danforth. | 7. Rollin Tracy. |
| Irving Browne. | F. A. Macomber. |
| Hugh W. McClennan. | F. O. Mason. |
| Timothy F. Bush. | Ralph T. Wood. |
| 4. Frothingham Fish. | 8. Sherman S. Rogers. |
| A. H. Tanner. | Marshall B. Champlain. |
| M. D. Grover. | Lorenzo Morris. |
| C. O. Tappan. | John T. Joyce. |

Committee on Grievances.

- | | |
|----------------------|---------------------|
| 1. Henry E. Howland. | 5. John F. Seymour. |
| Frank R. Coudert. | J. S. Spencer. |
| C. D. Ingersoll. | Thos. Richardson. |
| 2. P. S. Crook. | 6. Marcus Lyon. |
| E. A. Brewster. | Chas. A. Clark. |
| Hamilton Fish, Jr. | Isaac S. Newton. |
| 3. R. A. Parmenter. | 7. Chas. A. Hawley. |
| S. L. Stebbins. | Oscar Craig. |
| Cornelius Esselstyn. | Geo. W. Cowles. |
| 4. C. Hughes. | 8. A. D. Scott. |
| J. S. L'Amoureux. | Geo. S. Wardwell. |
| B. M. Beckwith. | L. W. Thayer. |

Committee on Law Reform.

- | | |
|---------------------|-----------------------|
| 1. Wm. G. Choate. | 5. John C. Churchill. |
| Chas. Tracy. | Frank Hiscock. |
| Frederick H. Betts. | Jas. F. Starbuck. |
| 2. J. M. Van Cott. | 6. Wm. Gleason. |
| J. Lawrence Smith. | H. Sturges. |
| Edward B. Merrill. | Rufus King. |
| 3. Matthew Hale. | 7. W. F. Cogswell. |
| C. B. Collyer. | H. V. Howland. |
| Peter Cantine. | Geo. B. Bradley. |
| 4. S. W. Jackson. | 8. Jas. M. Humphrey. |
| D. Magone. | John H. White. |
| Jas. Gibson. | Wilkes Angel. |

Committee on Prizes.

- | | |
|---------------------|--------------------|
| 1. E. F. Shepard. | 5. D. B. Keeler. |
| 2. J. W. Mills. | 6. S. D. Halladay. |
| 3. Isaac Edwards. | 7. Theo. Bacon. |
| 4. John J. Gilbert. | 8. Geo. Wadsworth. |

Committee on Legal Biography.

- | | |
|---------------------|--------------------|
| 1. Hamilton Odell. | 5. Wm. Porter. |
| Cadwalder E. Ogden. | H. E. Turner. |
| 2. Calvin Frost. | 6. E. H. Prindle. |
| Wm. H. Onderdonk. | B. F. Chapman. |
| 3. F. L. Westbrook. | 7. S. D. Faulkner. |
| C. L. Beale. | S. G. Hadley. |
| 4. A. X. Parker. | 8. David F. Day. |
| A. D. Wait. | Cyrus B. Davis. |

Recording Secretary.

A. V. De Witt.

Corresponding Secretary.

Edward Mitchell, of New York.

Treasurer.

Rufus W. Peckham.

The Convention recommend that, in case of the refusal of any officer elected, to serve, or of a vacancy from any cause, the Executive Committee have power to fill the same.

The report was accepted.

Moved that the report be adopted. *Carried.*

Moved that the thanks of the Convention be tendered to the President and the Secretaries for their services. *Carried.*

Moved that the Convention adjourn *sine die*. *Carried.*

The President of the Convention retired and Hon. John K. Porter then took the chair of the Bar Association and returned thanks to the Association for his election as President.

The Recording Secretary being absent, it was moved that the Secretaries of the Convention continue to act as Secretaries of the Association at this meeting. *Carried.*

Moved that the Executive Committee be instructed to take proper steps to procure the incorporation of the Association. *Carried.*

Moved that the Executive Committee be instructed to take such steps as they see fit to insure candidacy. *Carried.*

Mr. Shepard tendered, on behalf of the editor of *The Albany Law Journal*, an offer to have that

journal act as the official journal of the New York State Bar Association, and moved that *The Albany Law Journal* be adopted as the official organ of the Association.

Resolution amended by inserting therein that the thanks of the Association be tendered for the offer, and that it be referred to the Executive Committee. *Carried.*

Mr. Shepard, on behalf of lawyers of the First District, presented an offer for a prize, to be known as Post-Graduate Prize, and moved that the establishment of this prize receive the sanction of the Association, and it be referred to the Committee on Prizes. *Carried.*

Moved that the President reconvene the Executive Committee at the earliest convenient time. *Carried.*

Moved that the Convention adjourn. *Carried.*

EDWARD MITCHELL,
MARCUS T. HUN,
WILLIAM RUMSEY,

Secretaries.

CONSTITUTION.

I.

Name.—This Association shall be called “THE NEW YORK STATE BAR ASSOCIATION.”

II.

Object.—The Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish a spirit of brotherhood among the members thereof.

III.

Members.—The Delegates and Alternates selected to attend the first meeting for the organization of the Association (November 21, 1876) are hereby declared to be members thereof, provided they shall, on or before the 1st day of May, 1877, pay the admission fee and subscribe to this constitution (or otherwise in writing notify the Secretary of their acceptance of membership).

Any member of the legal profession in good standing, residing or practicing in the State of New York, who shall have been at the bar of this State at least three years, may become a member by vote of the Associa-

tion on open nomination, after a report of the Committee on Admissions, or of the Executive Committee, upon recommendation of the Committee on Admissions; and on subscribing to this constitution (or otherwise in writing notifying the Secretary of his acceptance of membership) and within the period limited by the by-laws, paying the admission fee and annual dues of the current year. The judges of the United States courts residing in this State, the judges of the Court of Appeals, and the several justices of the Supreme Court of this State, shall, during their respective terms of office, be honorary members of this Association. Other honorary members may be elected by the Association.

IV.

Officers.—The officers of the Association shall be a President, eight Vice-Presidents, one to be chosen from each judicial district, an Executive Committee, a Committee on Admissions, a Committee on Grievances, a Committee on Law Reform, a Committee on Prizes, a Committee on Legal Biography, a Recording Secretary, a Corresponding Secretary, and a Treasurer, all of whom shall for the period until the first day of January, eighteen hundred and seventy-eight, be elected at the meeting at which this constitution is adopted. And thereafter they shall be elected in the manner hereinafter prescribed.

V.

President.—The President, or (in his absence) one of the Vice-Presidents, or (in the absence of all of

them) one of the members, shall preside at all meetings of the Association.

The President shall be *ex officio* a member of the Executive Committee.

VI.

Executive Committee.—The Executive Committee shall consist of twenty-four members, of whom three shall reside in, and be selected from each judicial district, and shall compose a District Executive Committee thereof.

This committee shall manage the affairs of the Association, subject to the provisions of the constitution and by-laws, and shall be vested with the title to all its property as Trustees thereof, until the Association shall be incorporated, and when incorporated shall have power to accept the act of incorporation for and on behalf of the Association and all its members; and the Executive Committee shall make by-laws for the Association, subject to amendment by the Association.

At meetings of the committee the member or members in attendance from each judicial district shall be entitled to three votes to be cast by him or them, separately or together, as he or they may determine. Each District Committee, under direction of the General Committee, may exercise such of its powers in or for the district as from time to time shall be authorized by the General Committee, and such other powers as the constitution and by-laws shall vest in them.

VII.

Committee on Admissions.—The Committee on Admissions shall consist of thirty-two members, of whom four shall reside in and be selected from each judicial district, and compose a District Committee on Admissions thereof, and each of whom shall have practiced law in this State at least ten years.

The proceedings of this committee shall be deemed confidential and shall be kept secret, except so far as written or printed reports of the same shall be necessarily and officially made to the Association.

VIII.

Committee on Grievances.—The Committee on Grievances shall consist of twenty-four members, not more than three of whom shall reside in the same judicial district.

This committee may receive and hear all complaints preferred by any member against any other member for misconduct in his relations to the Association, or in his profession, provided the same be in writing, plainly and specifically stating the matter complained of, and subscribed by the complainant.

The committee may also at their discretion hear any specific complaint which may be made to them by any member in writing, affecting the interest of the legal profession, the practice of law, or the administration of justice, and may report thereon to the Association, with such recommendations as they may deem advisable.

All complaints so made shall be considered and disposed of by the committee in the manner provided in the by-laws.

The proceedings of this committee shall be deemed confidential and kept secret, except so far as written or printed reports of the same shall be necessarily and officially made to the Association.

IX.

Committee on Law Reform.—The Committee on Law Reform shall consist of twenty-four members, no four of whom shall reside in the same judicial district.

It shall be the duty of this committee to consider and report to the Association such amendments of the law as in their opinion should be adopted, also to scrutinize proposed changes of the law, and when necessary report upon the same, also to observe the practical working of the judicial system of the State, and recommend by written or printed report, from time to time, any changes therein which observation or experience may suggest.

X.

Committee on Prizes—The Committee on Prizes shall consist of so many members as the Association shall appoint from year to year.

It shall be their duty to make rules for contests for such prizes as may be instituted by, or under the sanction of the Association, and to examine and pass upon the merits of every original production offered in accordance therewith.

XI.

Committee on Legal Biography.—The Committee on Legal Biography shall consist of so many members as the Association shall appoint from year to year.

It shall be their duty to provide for the preservation among the archives of the Association of suitable written or printed memorials of the lives and characters of distinguished deceased members of the bar of the State.

XII.

Standing Committee.—Every Standing Committee shall, at each stated annual meeting, report in writing a summary of its proceedings since its last annual report (except such matters as the constitution or by-laws require to be kept secret), together with any suggestions deemed suitable and appertaining to its powers, duties or business.

A general summary of all such annual reports and of the proceedings of the annual meetings shall be prepared and printed by and under the direction of the Executive Committee, together with the constitution, by-laws (as then existing), names and residences of officers, standing committees and members of the Association, as soon as practicable after each annual meeting.

XIII.

Recording Secretary.—The Recording Secretary shall keep a record of the proceedings of all meetings of the Association, and discharge such other duties as shall be required of him by the Association.

XIV.

Corresponding Secretary.—The Corresponding Secretary shall (with the concurrence of the President) conduct the correspondence of the Association.

XV.

Treasurer.—The Treasurer shall collect and (by order of the Executive Committee) disburse the moneys of the Association, and discharge such other duties as shall be required of him by the Association.

The Treasurer of this Association shall give security in such sum and in such form for the safe-keeping and accounting for moneys of the Association coming to his hands, as shall be required by the Executive Committee.

XVI.

Other Committees.—The Association may provide in its by-laws for other standing committees, and no matter shall be referred to a special committee which is relevant to the function of any standing committee.

XVII.

Liabilities.—No officer, or committee, or other person, shall have power to make the Association liable for any debt amounting to more than one-half of the excess of money in the Treasurer's hands, beyond that required to meet prior liabilities, nor to make any contract binding personally any member of the Association.

XVIII.

Meetings.—There shall be an annual meeting of the Association held at the city of Albany on the third Tuesday of November in each year, and such adjourned meetings as the Association by a vote of three-fourths of all present may determine, and at any such adjourned meeting any business of the Association may be transacted, except the election of officers.

Special meetings may be called at any time by the President or Executive Committee of their own motion, and shall be called by the Secretary upon the request of fifty members, in writing, specifying the purpose thereof. At such special meeting no business shall be transacted except such as shall be specified in the notice thereof. At every meeting of the Association the presence of fifty members shall be necessary to constitute a quorum.

XIX.

Fees.—The admission fee shall in all cases be \$5, to be paid on signing the constitution.

The annual dues of members shall be \$5, and shall be payable yearly on or before the 1st of May in each year.

XX.

Expulsion.—Any member may be suspended or expelled for misconduct in his relations to the Association, or in his profession, after conviction thereof by such method of procedure as may be prescribed by the by-laws, and all interest in the property of the Association, of persons ceasing to be members by expulsion, resignation or otherwise, shall thereupon vest absolutely in the Association.

XXI.

Elections.—At the annual meeting in November, eighteen hundred and seventy-seven, and at each annual meeting thereafter, there shall be elected by ballot the officers of the Association for the year beginning with the first day of January next ensuing, and

they will hold their offices until the first day of January next succeeding the election of their successors.

In case of a vacancy in any office it shall be filled by appointment by the Executive Committee, which, however, can appoint only a Vice-President to the office of President.

XXII.

Amendments.—This constitution shall go into effect immediately. It can be amended only by a two-thirds vote of the members present at a meeting of the Association, after notice of the proposed amendment subscribed by at least ten members shall have been given at the next previous meeting, and notice of the same shall have been also given by the Secretary in the notices of the meeting, and by the vote of at least fifty members in favor of such amendment.

BY-LAWS.

I.

Presiding Officers.—The President, and in his absence a Vice-President, shall preside at all meetings of the Association. If neither of these officers be present, a president *pro tem.* shall be chosen by and from the attending members.

II.

Order of Business.—At annual and adjourned meetings, after the appropriate opening thereof, the Order of Business will be:

1. Reading of the Minutes of the preceding meeting.
2. Nominations for Membership.
3. Report of Executive Committee.
4. Report of Treasurer.
5. Report of Committee on Admissions.
6. Election of Members.
7. Election of Officers.
8. Reports of other Standing Committees.
9. Reports of other Special Committees.
10. Special Orders.
11. Miscellaneous Business.

This Order of Business may be changed at any meeting by vote of a majority of the members present. And, except as otherwise provided by the Constitution

or By-laws, the usual parliamentary rules and orders will govern the proceedings.

III.

Secretaries.—The Recording Secretary will keep a record of the proceedings of the Association, and of such other matters as may be directed by the Association to be placed on its files or record; will keep an accurate roll of officers and members, and notify officers and members of committees of their election or appointment; will issue notices of all meetings, with a brief note, in case of special meetings, of the object for which they are called; will promptly furnish the Treasurer with the names of persons elected members, and will keep the seal of the Association.

The Corresponding Secretary (with the concurrence of the President, when by the latter deemed expedient) will conduct the correspondence of the Association.

IV.

Treasurer.—The Treasurer will keep an accurate roll of the members; will notify members of their election; will collect, and under direction of the Executive Committee, expend, deposit or invest the funds of the Association; will keep regular accounts in books of the Association, which accounts shall be open to inspection by any member of the Executive Committee; and will report in writing at each stated meeting, and to the Executive Committee, as and when required by them, the financial condition of the Association. His report, at each annual meeting of the Association, shall exhibit a statement of receipts and expenditure for the year, and of outstanding obligations and appropriations, and

an estimate of resources and expenditure for the ensuing year. And his accounts shall at all times be subject to examination and audit by the Executive Committee and by the Association, or by a Special Committee appointed for that purpose.

V.

Executive Committee. — The Executive Committee, subject to the control of the Association and within the limits of power prescribed by the Constitution and By-laws, may make such provision and regulations and take such action as shall by them be deemed necessary or proper for conduct of the affairs and protection and disposition of the property of the Association.

There will be a meeting of the committee on the 22d day of November, 1876, and an annual meeting thereof at the city of Albany, on the day preceding each annual meeting of the Association, and such other meetings as they may appoint, and representatives from five Judicial Districts, or seven members, will be a quorum for the transaction of business. They shall choose from their number a chairman and secretary, and each district Executive Committee shall choose from their number a chairman thereof; and they shall keep a record of their proceedings and report the same at each stated meeting of the Association with such recommendations as they may deem advisable.

Under regulations to be prescribed by the committee, they may provide for action, upon any subject or class of subjects, through correspondence, whereby the vote of the various district committees can be certified by the respective chairmen thereof, to the secretary, but no resolution so acted upon shall be regarded or entered

as a resolution of the committee, unless it receives the certified approval of at least five of the District Committees.

Subject to control of the General Committee and under regulations prescribed by them, their powers, in any matter or matters pertaining only to a district, may be exercised by the District Committee of such district, which committee, subject to the like control and regulation, may also call meetings of the members of the Association, residing and practicing within the district, to consider of such matters.

VI.

Committee on Admissions.—The Committee on Admissions will meet at the city of Albany, on the 12th day of December, 1876, and on the day preceding each annual meeting of the Association, and at such other times and places as they may appoint, and seventeen members will be a quorum for the transaction of business. They shall choose from their number a chairman and secretary, and each District Committee shall choose from their number a chairman thereof. Candidates for membership must be proposed in the district where they reside or practice, by written proposal, signed by one or more members of the Association residing in such district (neither of whom is a member of the Committee on Admissions). The proposal must be submitted to the District Committee of such district, and will state the name of the candidate, his place of residence and of business, the time of his admission, and such particulars as may best make known his character and professional status. And each District Committee, in accordance with regulations prescribed by the

General Committee, will examine into the qualifications of every candidate so proposed to them, and will transmit to their secretary such proposals as they recommend for admission.

The General Committee may provide for action on such reports, and may authorize their secretary to mark, as approved by them, and transmit to the Executive Committee any name having the unanimous approval of a District Committee.

The proceedings of the committee and of each District Committee shall be secret and confidential, except as so communicated between the committees or to members thereof, or as publicity is required under the Constitution.

VII.

Election of Members.—A vote of the Association, when taken upon candidates for membership, shall be by ballot, and one negative vote in every four shall exclude the candidate.

No person so excluded shall be again proposed within one year thereafter, nor be voted upon by the Executive Committee. And if any person elected does not, within three months after notice thereof, pay his admission fee and dues and sign the Constitution and By-laws, or, by letter to the secretary, authorize him to affix his name thereto, he shall be regarded as having declined to become a member.

VIII.

Non-payment of Dues.—If any member fails to pay his yearly dues, within one month after the 1st day of May when the same become payable, it will be the duty

of the Treasurer to serve upon him personally, or by mail, a copy of this By-law and notice that, unless the same are paid within one month thereafter, the default will be reported to the Executive Committee, which may, by order, without further notice, cause the name of such member to be stricken from the rolls, and his membership and all rights in respect thereof will thereupon cease. But upon his written application, satisfactorily explaining the default, and upon payment of all dues to the date thereof, the Executive Committee shall have power to remit the penalty of this By-law.

IX.

The Committee on Grievances.—The Committee on Grievances shall choose from their number a chairman and secretary, and shall meet on the day preceding each annual meeting of the Association, and at such other times as they may appoint. And twelve members will be a quorum for transaction of business.

Whenever a complaint is presented to the committee the chairman will refer the same to a sub-committee of not less than three members of the committee residing in the district where the person complained of resides, or an adjoining district, and the secretary will transmit to them the complaint and notice of such reference.

If the sub-committee, to whom a complaint is so referred, shall be of opinion that the matters alleged are of sufficient importance, they will cause to be served upon the person complained of a copy of the complaint, together with not less than ten days' notice of the time and place of investigation, which notice shall also state the names of such sub-committee, and they will cause

a similar notice to be served on the complainant. The answer or defense to such complaint must be in writing. At the time and place so appointed (or to which the hearing may be adjourned), the sub-committee will proceed to consider the case upon the complaint and, if an answer is so interposed, upon such answer and the evidence. Upon the hearing, each party may appear personally and by counsel, who must be members of the Association. Witnesses shall vouch for the truth of their statements on their word of honor. And if witnesses summoned by or under authority of the sub-committee are members of the Association, a refusal or neglect to obey the summons may be reported to the Association for its action.

The sub-committee, after hearing the case, will transmit the pleadings and evidence and their conclusions thereupon to the secretary, whose duty it shall be to submit the same to the committee at the next meeting thereof. The committee will thereupon proceed to consider the same, and may hear the parties and their counsel, and make their decision, or may refer the matter for further investigation to the same or another sub-committee. And if, upon consideration, they find the complaint or any material part of it to be true, they will so report to the Association, with their recommendation in the premises. And, in their discretion, upon request of either party, they may also report the evidence or any portion thereof.

The Association will take such action on the report as they shall see fit. But no member shall be expelled unless by vote of at least two-thirds of the members present and voting.

X.

General Powers and Duties of Committees. — Except as otherwise expressly provided by the Constitution and By-laws, each committee will have power to fill vacancies in their number; to adopt regulations for their own government and procedure; to declare a vacancy after three successive absences of a member; to impose and collect fines for non-attendance of their members, and provide the disposal of such fines; and to order and arrange for the convenient transaction of business and discharge of their duties by correspondence, or through sub-committees or otherwise.

The chairman of each committee will have power to call a meeting thereof, on due notice, and the secretary of the committee or a secretary of the Association shall by like notice call a meeting, on the requisition in writing of at least five members of the committee, or of the President of the Association. —

Under direction of each committee the secretary thereof will keep their records and minutes, and prepare and transmit the reports required by the Constitution.

XI.

Amendment of By-laws. — These By-laws may be amended, at any stated meeting of the Association, by vote of two-thirds of those present, provided that thirty days previous notice in writing of the proposed amendment shall have been given to the Executive Committee, and also to the chairman of the committee (if any) specially affected thereby.

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